

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

BPMC No. 19-075

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

IN THE MATTER
OF
THOMAS RANIERI, M.D.

TO: THOMAS RANIERI, M.D.


The undersigned, Sally Dreslin, M.S., R.N., Executive Deputy Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, has made a finding substantially equivalent to a finding that the practice of medicine by THOMAS RANIERI, M.D. (the Respondent), New York license number 157792, in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the "Order of Temporary Suspension and Notice of Hearing" (henceforth: "predicate action"), attached hereto as Appendix "A" and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York, or practice in any setting under the authority of Respondent's New York license.

Any practice of medicine in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.

This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the predicate action. The hearing will be held pursuant to the provisions of N.Y. Pub. Health Law §230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a

location to be set forth in a written Notice of Hearing or Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the proceeding in the predicate action. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.


Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719 via Certified Mail, Return Receipt Requested, of the final conclusion of the proceeding in the predicate action, immediately upon such conclusion.

THE NEW YORK PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
April 4, 2019


Sally Dreslin, M.S., R.N.
Executive Deputy Commissioner of Health
New York State Department of Health

Inquiries should be directed to:

Pooja Rawal
Senior Attorney
New York State Health Department
Bureau of Professional Medical Conduct
Corning Tower, Room 2512
Albany, NY, 12237
Phone: 518-473-4282 

APPENDIX "A"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

PROTHONOTARY

2018 FEB -9 PH 4: 53

Department of State

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

File No.: 18-49-00869

v.

Thomas A Ranieri, M.D.
Respondent

Docket No: 6307 -49-18

ORDER OF TEMPORARY SUSPENSION AND NOTICE OF HEARING

AND NOW, this 9th day of February, 2018, upon review of the Petition for Temporary Suspension of the license to practice as a physician and surgeon held by Thomas A Ranieri, M.D. (*hereinafter* "Respondent"), license number MD037844E, filed by the Prosecuting Attorney for the Commonwealth of Pennsylvania, the State Board of Medicine (*hereinafter* "Board") makes the following findings and enters the following Order:

SUSPENSION ORDER

The Board finds the Prosecuting Attorney has alleged facts in the Petition, which, if taken as true, establish at each and every count that the Respondent's continued practice as a physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other licenses, registrations, certificates, approvals, authorizations, or permits (*hereinafter referred to collectively as* "authorizations to practice the profession") issued by the Board, makes Respondent an immediate and clear danger to the public health and safety. Therefore in accordance with Section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. § 422.40(a), the Board **ORDERS** that the licenses to practice as a physician and surgeon issued to the Respondent, license number MD037844E, along with any other authorizations to

practice the profession issued by the Board to Respondent, are **TEMPORARILY SUSPENDED** upon the service of this Order. Respondent shall surrender his wall certificate(s), biennial renewal certificate(s) and wallet card(s) (or notarized affidavit of their loss or destruction) to representatives of the Bureau of Enforcement and Investigation or the Bureau of Professional and Occupational Affairs, immediately upon service of this Order in accordance with the Act at 63 P.S. § 422.44.

PRELIMINARY HEARING

A preliminary hearing shall be scheduled and conducted by the Board or Office of Hearing Examiners to be convened within thirty (30) days from the date of issuance of this Order. The preliminary hearing shall be limited to evidence on the issue of whether there is a *prima facie* case to support the temporary suspension of the Respondent's license and other authorizations to practice the profession issued by the Board. The preliminary hearing will be held at a location designated by the Board or a hearing examiner for the Board.

The Respondent is entitled to be present at the preliminary hearing and may be represented by an attorney, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings.

If the Board or hearing examiner finds a *prima facie* case is not established, Respondent's license and other authorizations to practice the profession issued by the Board will be immediately restored. If a *prima facie* case is established, the temporary suspension shall remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered or agreed to by the participants.

ADDITIONAL FORMAL ACTION

In addition to this temporary suspension proceeding, the prosecuting attorney will commence a separate action to suspend, revoke or otherwise restrict Respondent's license and other authorizations to practice the profession issued by the Board through the filing of a charging document, an Order to Show Cause. The Order to Show Cause may include, but not be limited to, the facts which were alleged in the Petition for Immediate Temporary Suspension. Any Order to Show Cause filed by the prosecuting attorney will be served upon the Respondent and the Order will direct Respondent to reply to the charges in a written answer within twenty (20) days of the issuance of the Order to Show Cause. A formal hearing on that Order to Show Cause will then be scheduled and conducted by the Board or the Hearing Examiner for the Board.

PROCEDURES

Continuances will be granted for good cause only. A request for a continuance must be filed with the Prothonotary, in writing, at least one (1) week prior to the date of the hearing. The requirement of the one (1) week advance filing of a request for continuance will be waived only upon a showing of good cause. The failure to have an attorney present and a request for continuance to retain an attorney will not be considered a valid reason for the granting of a continuance on the day of the hearing. A request by the Respondent for an extension of time or a continuance which will delay the preliminary hearing or the formal hearing must be accompanied by the agreement of the Respondent that the 180-day temporary suspension will continue during whatever additional time is necessary to conclude the proceedings.

All proceedings are conducted in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 501-508, 701-704; 63 P.S. §§ 2201-2207; and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251. A record of the hearing will be

stenographically prepared by an official reporting service. A copy of the transcript may be secured by personally making arrangements with the reporting service at the time of the hearing.

Any document submitted in this matter must be filed with:

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105
717-772-2686

Also, you must send a separate copy of any documents submitted in this matter to the prosecuting attorney named below at:

Tara J. Smith
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649

**BY ORDER:
BEFORE THE STATE BOARD OF
MEDICINE PROBABLE CAUSE
SCREENING PANEL**

Keith E. Loiselte
Committee Member

Charles A. Castle,
M.D.
Committee Member

John M. Mitchell,
L.P., C.C.P.
Committee Member

Board Counsel:

For the Commonwealth:

Respondent

File No.:

Wesley J. Rish, Peter Kovach

Tara J. Smith
Prosecuting Attorney
Commonwealth of Pennsylvania
Bureau of Professional and Occupational Affairs
P.O. Box 2649
Harrisburg, PA 17105-2649

Thomas A. Ranieri, M.D.

18-49-00869

**BY ORDER:
BEFORE THE STATE BOARD OF
MEDICINE PROBABLE CAUSE
SCREENING PANEL**

Keith E. Loiselie
Committee Member

APPROVE Immediate Temporary
Suspension of Thomas A Ranieri

DENY Immediate Temporary
Suspension of Thomas A Ranieri

RECUSE FROM DECISION

Charles A. Castle,
M.D.
Committee Member

APPROVE Immediate Temporary
Suspension of Thomas A Ranieri

DENY Immediate Temporary
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RECUSE FROM DECISION

Board Counsel:

Wesley J. Rish, Peter Kovach

For the Commonwealth:

Tara J. Smith
Prosecuting Attorney
Commonwealth of Pennsylvania
Bureau of Professional and Occupational Affairs
P.O. Box 2649
Harrisburg, PA 17105-2649

Respondent:

Thomas A Ranieri, M.D.


File No.:

18-49-00869

Date of Issuance:

12 February 2018

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

PROTHONOTARY

2018 FEB -9 PM 4: 53

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

v.

Thomas A Ranieri, M.D.
Respondent

File No.:

18-49-00869

Docket No:

0307-49-18

PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

AND NOW, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, by and through its Prosecuting Attorney, Tara J. Smith, petitions the State Board of Medicine (*hereinafter* "Board") for the immediate temporary suspension of the license to practice as a physician and surgeon issued to **Thomas A Ranieri, M.D.** (*hereinafter* "Respondent"), along with any other licenses, registrations, certificates, approvals, authorizations, or permits (*hereinafter referred to collectively as* "authorizations to practice the profession") issued by the Board to Respondent at the time this Petition is Granted, pursuant to Section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act") as amended, (*hereinafter* "Act"), 63 P.S. § 422.40(a), and in support thereof alleges as follows:

1. Petitioner is the Bureau of Professional and Occupational Affairs, a departmental administrative agency within the Pennsylvania Department of State.
2. Respondent holds a license to practice as a physician and surgeon in the Commonwealth of Pennsylvania, license no. MD037844E.
3. Respondent's license was originally issued on February 18, 1987, is current through December 31, 2018, and, absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

4. At all times pertinent to the Factual Allegations, Respondent held a license to practice as a physician and surgeon in the Commonwealth of Pennsylvania.

5. Respondent's last known address on file with the Board is [REDACTED]
[REDACTED]

6. On or about December 13, 2017, a Federal Grand Jury Indictment was returned against the Respondent in the U.S. District Court for the Western District of Pennsylvania at docket no. 17-342 (*hereinafter* "Indictment").

7. The Indictment charged the Respondent with the following:

- a. 21 U.S.C. §841(a)(1) and 841(b)(1)(C) (12 counts) – Distribution of Scheduled II controlled substances outside the usual course of professional practice (from on or about January 2, 2013 to on or about June 12, 2013); and
- b. 21 U.S.C. §841(a)(1) and 841(b)(1)(C) (12 counts) – Distribution of Scheduled II controlled substances outside the usual course of professional practice (from on or about January 2, 2013 to on or about June 26, 2013).

8. The Indictment set forth the following facts:

a. From on or about January 2, 2013 to on or about June 12, 2013, Respondent knowingly, intentionally and unlawfully distributed quantities of Fentanyl and Oxycodone outside the usual course of professional practice to Patient A.

b. From on or about January 2, 2013 to on or about June 26, 2013, Respondent knowingly, intentionally and unlawfully distributed quantities of

Opana ER and Oxycodone outside the usual course of professional practice to patient B.

9. A true and correct copy of the Indictment Memorandum with the signed Indictment are attached collectively as **Exhibit A** and are incorporated by reference.

Based upon the foregoing factual allegations, the Respondent's continued practice as a physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other authorizations to practice the profession issued by the Board, makes Respondent an immediate and clear danger to the public health and safety.

WHEREFORE, the Petitioner respectfully requests that the Board issue an Order immediately suspending all of Respondent's authorizations to practice the profession issued by the Board, and in particular, the license to practice as a physician and surgeon, license number MD037844E, pursuant to the authority granted to it pursuant to Section 40(a) of the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. § 422.40(a).

Respectfully submitted,



Tara J. Smith
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200

DATE: 9 February 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

THOMAS A. RANIERI

) Criminal No. 17-342
)
) 21 U.S.C. §§ 841(a)(1)
) and 841(b)(1)(C)
)
) [UNDER SEAL]

INDICTMENT

COUNTS ONE through TWELVE

FILED

DEC 13 2017

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

The grand jury charges:

From on or about January 2, 2013, to on or about June 12, 2013, on or about the specific dates hereinafter set forth, in the Western District of Pennsylvania, the defendant, THOMAS A. RANIERI, did knowingly, intentionally and unlawfully distribute quantities of Schedule II controlled substances as hereinafter set forth, outside the usual course of professional practice to Patient A, a person whose identity was known to the grand jury, with each such distribution a separate count of this Indictment:

<u>COUNT</u>	<u>DATE</u>	<u>QUANTITY</u>	<u>SCHEDULE II</u>	<u>DOSING AMOUNT</u>
1	1/2/13	10	Fentanyl 25 mcg	1 every 72 hours
2	1/2/13	90	Oxycodone 30mg	1 three times a day
3	1/30/13	90	Oxycodone 30mg	1 three times a day
4	1/31/13	10	Fentanyl 50 mcg	1 every 72 hours
5	3/14/13	90	Oxycodone 30mg	1 three times a day
6	3/14/13	10	Fentanyl 50 mcg	1 every 72 hours
7	4/17/13	90	Oxycodone 30mg	1 three times a day
8	4/17/13	10	Fentanyl 50 mcg	1 every 72 hours
9	5/16/13	90	Oxycodone 30mg	1 three times a day

EXHIBIT
A

10	5/16/13	10	Fentanyl 50 mcg	1 every 72 hours
11	6/12/13	90	Oxycodone 30mg	1 three times a day
12	6/12/13	10	Fentanyl 50 mcg	1 every 72 hours

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C)

COUNTS THIRTEEN through TWENTY-SIX

The grand jury further charges:

From on or about January 2, 2013, to on or about June 26, 2013, on or about the specific dates hereinafter set forth, in the Western District of Pennsylvania, the defendant, THOMAS A. RANIERI, did knowingly, intentionally and unlawfully distribute quantities of Schedule II controlled substances as hereinafter set forth, outside the usual course of professional practice to Patient B, a person whose identity was known to the grand jury, with each such distribution a separate count of this Indictment:

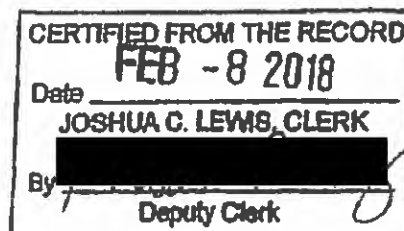
<u>COUNT</u>	<u>DATE</u>	<u>QUANTITY</u>	<u>SCHEDULE II</u>	<u>DOSING AMOUNT</u>
13	1/2/13	90	Opana ER 40 mg	1 every 8 hours
14	1/2/13	120	Oxycodone 15 mg	1 four times a day
15	1/31/13	90	Opana ER 40 mg	1 every 8 hours
16	1/31/13	120	Oxycodone 15 mg	1 four times a day
17	2/28/13	90	Opana ER 40 mg	1 every 8 hours
18	2/28/13	120	Oxycodone 15 mg	1 four times a day
19	4/11/13	60	Opana ER 40 mg	1 every 12 hours
20	4/11/13	60	Oxycodone 15 mg	1 two times a day
21	5/1/13	60	Opana ER 40 mg	1 every 12 hours
22	5/1/13	60	Oxycodone 15 mg	1 two times a day
23	5/29/13	60	Opana ER 40 mg	1 every 12 hours
24	5/29/13	60	Oxycodone 15 mg	1 two times a day
25	6/26/13	60	Opana ER 40 mg	1 every 12 hours
26	6/26/13	60	Oxycodone 15 mg	1 two times a day

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

A True Bill,

[REDACTED]
FOREPERSON

[REDACTED]
SOO C. SONG
Acting United States Attorney
DC ID No. 457268



FILED

DEC 13 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

THOMAS A. RANIERI

Criminal No. 17-342

[UNDER SEAL]

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Soo C. Song, Acting United States Attorney for the Western District of Pennsylvania, and Stephanie L. Haines, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A Federal Grand Jury returned a twenty-six count Indictment against the above-named defendant for alleged violations of federal law:

<u>COUNTS</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1-12	Distribution of Schedule II controlled substances outside the usual course of professional practice from on or about January 2, 2013 to on or about June 12, 2013.	21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)
13-26	Distribution of Schedule II controlled substances outside the usual course of professional practice from on or about January 2, 2013 to on or about June 26 2013.	21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C)

II. ELEMENTS OF THE OFFENSES

A. As to Counts 1-26:

In order for the crime of distribution of Schedule II controlled substances outside the usual course of professional practice, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), to be

established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. That on or about the dates set forth, the defendant distributed the controlled substances charged in the Indictment.

United States v. Lartey, 716 F.2d 955, 967 (2d Cir. 1983); United States v. Wright, 593 F.2d 105, 107-108 (9th Cir. 1979); United States v. Tighe, 551 F.2d 18, 21 (3d Cir.)

2. That the defendant did so knowingly and intentionally.

United States v. Jewell, 532 F.2d 697, 699-700 (9th Cir.); United States v. Kairouz, 751 F.2d 467, 469 (1st Cir. 1985).

3. That the controlled substances charged in the Indictment are Schedule II controlled substances, pursuant to 21 U.S.C. § 812(c), Schedule II.

III. PENALTIES

A. As to Counts 1-26: Distribution of Schedule II controlled substances outside the usual course of professional practice (as to each count):

1. A term of imprisonment of not more than twenty (20) years.
2. A fine not to exceed \$1,000,000.
3. A term of supervised release of at least three (3) years.

For a second or subsequent felony drug conviction that is final, whether federal, state, or foreign:

1. A term of imprisonment of not more than thirty (30) years.
2. A fine not to exceed \$2,000,000.
3. A term of supervised release of at least six (6) years.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed at each count upon which the defendant is convicted, pursuant to 18 U.S.C. § 3013, as all offenses occurred on or after April 24, 1996.

V. RESTITUTION

Not applicable in this case.

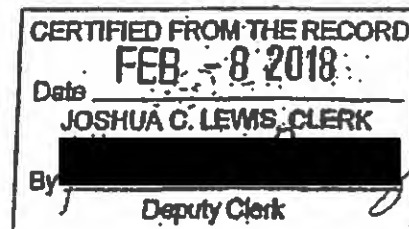
VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

SOO C. SONG
Acting United States Attorney

[REDACTED]
STEPHANIE L. HAINES
Assistant U.S. Attorney
WV ID No. 9249



**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

v.

**Thomas A Ranieri, M.D.
Respondent**

File No.: 18-49-00869

Docket No: 0307 -49-18

CERTIFICATE OF SERVICE

I, Tara J. Smith, hereby certify that I have this 12th day of Feb. 2018 caused a true and correct copy of the foregoing Petition and Order of Immediate Temporary Suspension to be served upon all parties of record in this proceeding in accordance with the requirements of Section 33.31 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 33.31 (relating to service by the agency).

PERSONAL SERVICE AND CERTIFIED MAIL, ELECTRONIC RETURN RECEIPT:

Thomas A Ranieri, M.D.

9171 9690 0935 0158 9589 77

**Tara J. Smith
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P. O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7200**